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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,487	09/29/2003	Lo-Pin Wang	WANG3196/EM	8455
23364	7590	07/22/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			HAN, JASON	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,487

Applicant(s)

WANG, LO-PIN

Examiner

Jason M. Han

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Page 1, Line 8: Misspelling – “passages”;
 - b. Page 1, Line 10: Grammatical error – consider rephrasing to read “unable to open such that people in the car cannot escape”;
 - c. Page 1, Lines 20-22: Grammatical errors – consider revising;
 - d. Numerous grammatical errors are replete throughout the application, as demonstrated above. The examiner has forgone any correction due to the amount, and the specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Appropriate correction is required.

Claim Objections

2. Claims 1 and 11 are objected to because of the following informalities: Consider deleting “is” in line 6 of the claim. Appropriate correction is required.

The following claims have been rejected in light of the specification, but rendered the broadest interpretation as construed by the examiner [MPEP 2111].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Deweese (U.S. Patent 4363147).
4. With regards to Claim 1, Deweese discloses an emergency tool including:
 - A main member [Figure 1: (18)];
 - A cutting device having a blade [Figure 1: (24, 26)] which is provided on an end of the main member; and
 - A hammer [Figure 1: (46)] provided on the main member at an end opposite from the cutting device.
5. With regards to Claim 5, Deweese discloses the main member having a recess [Figure 1: (10)] and a cover [Figure 1: (12)] to close the recess.
6. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Hasegawa (U.S. Patent 5903942).

Hasegawa discloses an emergency tool including:

- A main member [Figures 7-8: (1)];
- A cutting device having a blade [Figures 7-8: (4)] which is provided on an end of the main member;

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- A hammer [Figures 7-8: (10)] provided on the main member at an end thereof opposite from the cutting device; and
- A clip [Figures 7-8: (13)] detachably mounted on the main member, wherein said clip has two mounting portions [Figures 7-8: (15)] bent inwards and two flexible arms [Figures 7-8: (16)] to clip the main member at lateral sides thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deweese (U.S. Patent 4363147) as applied to Claim 1 above, and further in view of Lin (U.S. Patent 5642567).

Deweese discloses the claimed invention as cited above, but does not specifically teach the main member having a hole in which a whistle is received.

Lin teaches an emergency escape tool, wherein a main member [Figure 2] has a hole [Figure 2: (151)] in which a whistle [Figure 2: (15)] is received.

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the emergency tool of Deweese to incorporate the whistle of Lin, "in order to enable a user to attract other people's attention for help [see Lin: Column 1, Lines 57-58]".

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8. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deweese (U.S. Patent 4363147) in view of Lin (U.S. Patent 5642567) as applied to Claim 2 above, and further in view of Bautsch (U.S. Patent 3085150).

Deweese in view of Lin discloses the claimed invention as cited above, but does not specifically teach the whistle being provided with a light emitting device (re: Claim 3), nor said light emitting device being turned on and off via a button provided on said whistle (re: Claim 4).

Bautsch teaches an illuminating whistle [Figures 1, 6, 8], wherein a light emitting device [Figures 6, 8: (42)] is turned on and off via a button [Figure 1: (24)].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the emergency tool of Deweese in view of Lin to incorporate the illuminating whistle of Baustch to further provide warning and attract other people's attention, as well as provide a user with a separate work light when using said emergency tool [see Bautsch: Column 1, Lines 33-38].

9. Claim 6-8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deweese (U.S. Patent 4363147) as applied to Claim 1 above, and further in view of Hasegawa (U.S. Patent 5903942).

10. With regards to Claim 6, Deweese discloses the claimed invention as cited above, but does not specifically teach the main member having two covers detachably mounted on the ends thereof to shield the cutting device and the hammer.

Hasegawa teaches an emergency tool, wherein detachable covers [Figure 1: (11)] are used to shield the tool/pointed head portions [Figure 1: (9, 10)].

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It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the emergency tool of Deweese to incorporate the detachable covers of Hasegawa over said cutting device and hammer, in order to shield and protect people when not in use, and thus promote safety.

11. With regard to Claims 7-8, Deweese discloses the claimed invention as cited above, but does not specifically teach the main member having a clip, which is detachably mounted on the main member to mount the main member on a belt via the clip (re: Claim 7), nor teaches said clip having two mounting portions bent inwards and two flexible arms to clip the main member at lateral sides thereof (re: Claim 8).

Hasegawa teaches an emergency tool, wherein a main member [Figures 7-8: (1)] has a clip [Figures 7-8: (13)], which is detachably mounted on the main member to mount the main member onto a belt [Figures 7-8: (22)], further wherein said clip has two mounting portions [Figures 7-8: (15)] bent inwards and two flexible arms [Figures 7-8: (16)] to clip the main member at lateral sides thereof.

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the emergency tool of Deweese to incorporate the clip member of Hasegawa in order to provide said device onto a car seatbelt and promote easy accessibility in case of an emergency/accident.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (U.S. Patent 5903942) as applied to Claim 11 above, and further in view of Deweese (U.S. Patent 4363147).

Hasegawa discloses the claimed invention as cited above, but does not specifically teach the main member having a recess to receive goods therein.

Deweese teaches an emergency tool [Figure 1: (18)], wherein a recess [Figure 1: (10)] is provided to receive goods therein.

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the emergency tool of Hasegawa to incorporate the recess of Deweese, so as to contain a variety of extremely helpful items during an emergency [see Lin: Column 2, Lines 15-23].

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (U.S. Patent 5903942) as applied to Claim 11 above, and further in view of Lin (U.S. Patent 5642567) and Bautsch (U.S. Patent 3085150).

Hasegawa discloses the claimed invention as cited above, but does not specifically teach a whistle that is detachably mounted on the main chamber, wherein the whistle is provided with a light emitting device.

Lin teaches an emergency escape tool, wherein a main member [Figure 2] has a hole [Figure 2: (151)] in which a whistle [Figure 2: (15)] is received.

Bautsch teaches an illuminating whistle [Figures 1, 6, 8], wherein a light emitting device [Figures 6, 8: (42)] is turned on and off via a button [Figure 1: (24)].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the emergency tool of Hasegawa to incorporate the whistle of Lin, "in order to enable a user to attract other people's attention for help [see Lin: Column 1, Lines 57-58]".

It would then have been advantageous and obvious to one ordinarily skilled in the art at the time of invention to modify the emergency tool of Hasegawa in view of Lin to incorporate the illuminating whistle of Baustch, in order to further provide warning and attract other people's attention, as well as provide a user with a separate work light when using said emergency tool [see Bautsch: Column 1, Lines 33-38].

Allowable Subject Matter

14. Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Applicant has sufficiently claimed and narrowly defined a clip member for mounting said emergency escape tool. The prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein, and all subsequent dependent claims are allowed.

15. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Applicant has sufficiently claimed and narrowly defined a clip member for mounting said emergency escape tool. The prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein, and all subsequent dependent claims are allowed.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 5251351 to Klotz;

US Patent 5952916 to Yamabe;

US Patent 6454430 to Lin;

US Patent 6574816 to Yu Chen;

US Patent 6592236 to Lin;

US Patent 6666566 to Uke;

US Patent 6782576 to Valencic et al.

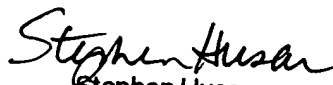
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (7/8/2005)


Stephen Husar
Primary Examiner